

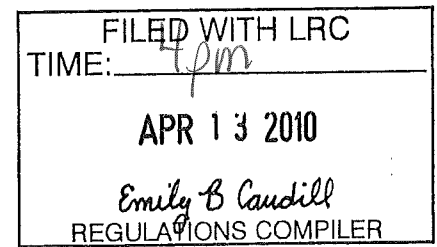
301 KAR 2:049

Small game and furbearer hunting and trapping on public areas

This administrative regulation identifies exceptions from the statewide regulations for hunting small game on public lands.

Significant Changes

The amendment will establish Upland Bird quota hunts on Clay Wildlife Management Area and eliminate rabbit quota hunts on Peabody Wildlife Management Area.



1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:049. Small game and furbearer hunting and trapping on public areas.

5 RELATES TO: KRS 150.010, 150.370, 150.399, 150.400, 150.410, 150.990

6 STATUTORY AUTHORITY: KRS 150.025, 150.620

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to

8 promulgate administrative regulations to establish open seasons for the taking of wildlife, to

9 regulate bag limits, [~~establish seasons, limits and other requirements for hunting,~~] and to make

10 these requirements apply statewide or to a limited area. KRS 150.620 authorizes the department

11 to promulgate administrative regulations for the maintenance and operation of the lands it has

12 acquired for public recreation. This administrative regulation establishes exceptions to statewide

13 small game and furbearer regulations on public areas. [~~on Wildlife Management Areas to~~

14 statewide small game and furbearer hunting and trapping.]

15 Section 1. Definitions. (1) "Adult" means a person who is at least eighteen (18) years of age.

16 (2) "Upland bird" means a grouse or northern bobwhite.

17 (3) "Wildlife Management Area" or "WMA" means a tract of land:

18 (a) Controlled by the department through ownership, lease, license, or cooperative agreement;

19 and

20 (b) That has "Wildlife Management Area" or "WMA" as part of its official name.

21 (4) "Youth" means a person under the age of sixteen (16) by the date of the hunt.

Section 2. This administrative regulation shall establish exceptions to the statewide requirements established in 301 KAR 2:122, 2:251, and 3:010. [~~1. The provisions of 301 KAR 2:122, 301 KAR 2:251, and 301 KAR 3:010 shall apply on a Wildlife Management Area unless specified otherwise by this administrative regulation.~~]

Section 3. [~~2.~~] On a Wildlife Management Area owned or managed by the department:

(1) A person shall wear hunter orange clothing if a firearm is allowed for deer hunting, as established in 301 KAR 2:172. [~~as specified in 301 KAR 2:172 when a firearm is allowed for deer hunting.~~]

(2) The hunter orange clothing requirement in subsection (1) of this section shall not apply to a person hunting:

(a) Waterfowl; or

(b) Raccoon or opossum at night.

(3) There shall be a free youth small game hunting week for [~~Free youth week. For~~] seven (7) consecutive days beginning on the Saturday after Christmas, a youth may take small game without a hunting license. [~~Statewide requirements and bag limits apply.~~]

(4) There shall be a free youth trapping week for seven (7) consecutive days beginning on the Saturday after Christmas, in which a youth may trap without a trapping license. [~~Free youth trapping week. For seven (7) consecutive days beginning on the Saturday after Christmas, a youth may trap without a hunting license or permit. Statewide requirements and bag limits apply.~~]

Section 4. Exceptions on Specific Public Areas. [~~3. Exeeptions on Specific Wildlife Management Areas.~~] (1) Barren River Wildlife Management Area.

(a) The WMA shall be considered to be entirely within the Eastern Zone, as established in 301

KAR 2:122;

(b) Northern bobwhite and rabbit seasons shall be closed after December 31; and

(c) [Area:

~~(a) Northern bobwhite and rabbit: closed after December 31. Barren River WMA shall be considered to be entirely within the Eastern Northern bobwhite Zone.~~

~~(b)] On the Peninsula Unit, including Narrows, Goose and Grass Islands, a person shall not hunt with a breech-loading firearm. [not:~~

~~1. Hunt with a breech-loading firearm;~~

~~2. Except as authorized by the department, carry a breech-loading firearm with ammunition in the chamber or magazine.]~~

~~(2) Beaver Creek WMA, including private inholdings. [Wildlife Management Area, including private inholdings.]~~

~~(a) Grouse season shall be open from October 1 through December 31; and [Grouse: October 1 through December 31.]~~

~~(b) Northern bobwhite and rabbit seasons shall be [rabbit:] closed after December 31.~~

~~(3) Big South Fork National River and Recreation Area, McCreary County. [County:]~~

~~(a) Grouse season shall be open from October 1 through December 31; and [Grouse: October 1 through December 31.]~~

~~(b) Northern bobwhite and rabbit seasons shall be [rabbit:] closed after December 31.~~

~~(4) Cane Creek WMA, including private inholdings. [Wildlife Management Area, including private inholdings.]~~

~~(a) Grouse season shall be open from October 1 through December 31; and [Grouse: October 1 through December 31.]~~

1 (b) Northern bobwhite and rabbit seasons shall be ~~[rabbit:]~~ closed after December 31.

2 (5) Cedar Creek Lake WMA. ~~[Wildlife Management Area:]~~

3 (a) Rabbit season shall be ~~[Rabbits:]~~ closed after December 31;

4 (b) Squirrel season shall coincide with the statewide season; and ~~[Squirrels: open under statewide~~

5 ~~season; and]~~

6 (c) The area shall be closed ~~[Closed]~~ to all other small game and furbearer hunting.

7 (6) Clay WMA.

8 ~~(a) [Wildlife Management Area:]~~ The area shall be closed for four (4) consecutive days

9 beginning on the first Friday in December to all hunting except archery deer hunting and the

10 pheasant quota hunt established in Section 5 of this administrative regulation;

11 (b) Rabbit season shall be closed after December 31;

12 (c) Grouse and northern bobwhite hunting shall be restricted to quota hunt dates established in

13 Section 5 of this administrative regulation.

14 (d) Pheasant may be taken ~~[specified in Section 4 of this administrative regulation.~~

15 ~~(a) Northern bobwhite and rabbit: closed after December 31.~~

16 ~~(b) Grouse: October 1 through December 31.~~

17 ~~(e) Pheasant:]~~ beginning on the Tuesday following the pheasant quota hunt through December

18 31.

19 1. Any person with a valid hunting license may take a pheasant, and

20 2. The daily limit per hunter shall be three (3) birds of either sex.

21 ~~(c) [31, pheasant shall be a legal game species and may be taken on this area with a valid~~

22 ~~Kentucky hunting license. The daily limit shall be three (3) birds of either sex per hunter.~~

23 ~~(d)]~~ Quota fox hunting field trials:

1. There shall be a maximum of two (2) four (4) day events per calendar year.

2. Each event shall be limited to 250 participants. [~~Participants shall be limited to 250 per event.~~]

3. The area shall be closed to nonparticipants.

4. A participant:

(a) Shall wear a laminated identification badge issued by the department during the event; and

(b) Shall return the laminated badge at the close of the event. [~~Participants shall wear laminated identification badges issued by the department during the event and return the laminated badges at the close of the event to department personnel.~~]

(7) Curtis Gates Lloyd WMA. [~~Lloyd/Mullins Wildlife and Recreation Area.~~]

(a) Northern bobwhite and rabbit seasons shall be [~~rabbit:~~] closed after December 31.

(b) A person shall not allow a dog to be unleashed from April 1 until the third Saturday in August except if [~~while~~] squirrel hunting.

(8) Dix River WMA. [~~Wildlife Management Area.~~]

(a) [~~Squirrel: statewide.~~]

(~~b~~) Northern bobwhite and rabbit seasons shall be closed after [~~rabbit: November 1 through~~] December 31.

(b) Grouse season shall be open from [~~(e) Grouse:~~] October 1 through December 31.

(9) Fleming WMA. [~~Wildlife Management Area.~~]

(a) Northern bobwhite and rabbit seasons shall be [~~rabbit:~~] closed after December 31.

(b) Grouse season shall be open from [~~Grouse:~~] October 1 through December 31.

(10) Green River Lake WMA.

(a) The area shall be closed to all hunting for four (4) consecutive days beginning on the third Friday in November except for archery deer hunting and the pheasant quota hunt established in

1 Section 5.

2 ~~(b) [Wildlife Management Area. The area shall be closed for four (4) consecutive days beginning~~
3 ~~on the third Friday in November to all hunting except archery deer hunting and the pheasant~~
4 ~~quota hunt specified in Section 4.~~

5 ~~(a)] Northern bobwhite and rabbit seasons shall be [rabbit:] closed after December 31.~~

6 ~~[(b) Grouse: closed to hunting and trapping.]~~

7 ~~(c) Pheasant.~~

8 1. Beginning on the Tuesday following the pheasant quota hunt through December 31, any
9 person with a valid hunting license may take a pheasant.

10 2. The daily limit per hunter shall be three (3) birds of either sex. ~~[Pheasants: beginning on the~~
11 ~~Tuesday following the pheasant quota hunt through December 31, pheasant shall be a legal game~~
12 ~~species and may be taken on this area with a valid Kentucky hunting license. The daily limit~~
13 ~~shall be three (3) birds of either sex per hunter.]~~

14 ~~(11) Higginson-Henry WMA. Northern bobwhite and rabbit seasons shall be [Wildlife~~
15 ~~Management Area. Northern bobwhite and rabbit:] closed after December 31.~~

16 ~~(12) Kleber WMA. Northern bobwhite and rabbit seasons shall be [Wildlife Management Area.~~
17 ~~Northern bobwhite and rabbit:] closed after December 31.~~

18 ~~(13) Lake Cumberland WMA. [Wildlife Management Area.]~~

19 ~~(a) Grouse season shall be open from October 1 through December 31; and [Grouse: October 1~~
20 ~~through December 31.]~~

21 ~~(b) Northern bobwhite and rabbit seasons shall be [rabbit:] closed after December 31.~~

22 ~~(14) Mill Creek WMA. Northern bobwhite and rabbit seasons shall be [Wildlife Management~~
23 ~~Area.~~

~~Northern bobwhite and rabbit;~~ closed after December 31.

(15) Miller-Welch Central Kentucky WMA. [~~Wildlife Management Area.~~]

(a) Small game and furbearer hunting seasons shall be closed, except that squirrel season shall be open; and [~~Closed to small game and furbearer hunting except squirrels.~~]

(b) A person shall not allow a dog to be unleashed:

1. From April 1 until the third Sunday in August; and

2. On a Monday, Wednesday, or Friday during the remainder of the year, except:

a. If a person is hunting squirrels during an open season; and

b. If a person is participating in an authorized field trial. [~~or~~

2. ~~At other times of the year, except on a Tuesday, Thursday, Saturday, Sunday, when hunting squirrels, or during an authorized field trial.~~]

(16) Mullins WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(17) Nolin Lake WMA. Northern bobwhite and rabbit seasons shall be [~~Wildlife Management Area. Northern bobwhite and rabbit;~~] closed after December 31.

(18) [(17)] Paul Van Booven WMA. [~~Wildlife Management Area.~~]

(a) Shall be closed to vehicle access from an hour after sunset until an hour before sunrise; and
[~~Closed to vehicle access from an hour after sunset until an hour before sunrise.~~]

(b) Shall be closed [~~Closed~~] to Northern bobwhite hunting.

(19) [(18)] Pennyrile Forest WMA.

(a) Grouse season shall be open from December 1 through December 31; and

(b) The daily limit shall be two (2).

(20) [~~Wildlife Management Area. Grouse: December 1 through December 31; daily limit, two~~

(2).

~~(19)~~ Pioneer Weapons WMA. A person shall not hunt with a breech-loading firearm.

~~(21)~~ [Wildlife Management Area. A person shall not:

~~(a) Hunt with a breech-loading firearm; or~~

~~(b) Except as authorized by the department, carry a breech-loading firearm with ammunition in the chamber or magazine.~~

~~(20)~~ Robinson Forest WMA. [~~Wildlife Management Area.~~]

~~(a) Hunting shall not be permitted on the Main Block; and [is not permitted on the Main Block.]~~

~~(b) The remainder of the WMA shall be open under statewide requirements.~~

~~(22)~~ [(21)] Taylorsville Lake WMA. [~~Wildlife Management Area.~~]

~~(a) The area east of Van Buren Boat Ramp shall be closed to public access from November 1 through the last day of February.~~

~~(b)~~ Northern bobwhite and rabbit seasons shall be [~~rabbit;~~] closed after December 31.

~~(23)~~ Tradewater WMA.

~~(a) Grouse season shall be open from December 1 through December 31; and~~

~~(b) The daily limit shall be two (2).~~

~~(24)~~ West Kentucky WMA.

~~(a) A person shall not hunt on "A" tracts;~~

~~(b) Northern bobwhite and rabbit seasons shall be closed after December 31 on Tracts 2, 3, 6, and 7;~~

~~(c) Northern bobwhite and rabbit seasons shall be open on Tracts 1, 4, and 5 one-half (1/2) hour before sunrise until 1 p.m. local time from January 1 through January 10, except if harvest limits are reached prior to January 10;~~

1. A hunter shall report harvest numbers and total hours hunted to the area supervisor on a daily

basis; and

2. If a tract is closed prior to January 10, a sign indicating closure shall be posted at the hunter check station at least twenty-four (24) hours prior to the closure; and

(d) A person shall not:

1. Use a rifle or ball or slug ammunition; and

2. Operate a vehicle on Tract 6 from February 1 through April 16.

(25)

~~[(22) Tradewater Wildlife Management Area. Grouse: December 1 through December 31; daily limit, two (2).~~

~~(23) West Kentucky Wildlife Management Area, McCracken County.~~

~~(a) A person shall not hunt on a tract designated by numbers followed by the letter "A".~~

~~(b) Northern bobwhite and rabbit:~~

~~1. Tracts 2, 3, 6 and 7: closed after December 31.~~

~~2. Tracts 1, 4 and 5: From one half (1/2) hour before sunrise until 1 p.m., local time, January 1 through 10, unless maximum acceptable harvest levels have been reached prior to January 10 as determined from hunter use data. A hunter shall report daily to the area supervisor all hours hunted.~~

~~3. If a tract is closed before January 10, a sign announcing closure shall be posted at the hunter check station at least twenty-four (24) hours prior to the closure.~~

~~(e) A person shall not:~~

~~1. Use a rifle or ball or slug ammunition;~~

~~2. Allow an unleashed dog except while squirrel hunting; or~~

~~3. Operate a vehicle on Tract 6 from February 1 through April 16.~~

(24)] Yellowbank WMA. [~~Wildlife Management Area~~] Northern bobwhite and rabbit seasons shall be [~~rabbit~~] closed after December 31.

Section 5. [4.] Pheasant Quota Hunts. (1) There shall be a pheasant quota hunt:

(a) On [~~hunt-on~~] the Green River Wildlife Management Area for three (3) consecutive days beginning the third Friday in November; [~~November~~], and

(b) On [~~on~~] Clay Wildlife Management Area for three (3) consecutive days beginning the first Friday in December.

(2) There shall be a one (1) day clean-up hunt immediately following each of the hunts for pheasant quota hunters drawn for that particular WMA.

(3) [~~Wildlife Management Area~~. (2)] Hunt hours for each day shall be from 9 a.m. to 4 p.m. Eastern time.

(4) [(3)] During a quota hunt or clean-up hunt, a person shall wear orange clothing [~~the quota hunts or clean-up hunts, a person shall wear hunter orange~~] as specified in 301 KAR 2:172.

(5) [(4)] The daily bag limit per hunter shall be two (2) birds of either sex, except there shall be a daily bag limit of three (3) birds of either sex during the one (1) day clean-up hunt.

(6) [~~sex, except for the clean-up hunt and subsequent days open to pheasant hunting when the daily bag limit shall be three (3) birds of either sex~~].

(5)] Pheasant quota hunt procedures.

(a) A person selected for a pheasant quota hunt may hunt on the one (1) day clean-up hunt for that area.

(b) A person applying for a pheasant quota hunt shall:

1. Not apply more than one (1) time for each hunt and shall not be drawn for more than one (1) hunt; and

1 2. Not apply as a group of more than five (5) people.

2 (c) A person who is drawn to hunt shall, by October 30, pay the permit fee established in 301

3 KAR 3:022 by:

4 (a) A check containing the drawn confirmation number;

5 (b) A money order enclosed with the draw confirmation number; or

6 (c) Credit card via the department's website as an applicant reviews the drawing results.

7 (d) If a group is drawn to hunt, then one group member shall submit a single payment for the
8 entire group along with the confirmation number data.

9 Section 6. Northern Bobwhite and Upland Bird Quota Hunts. (1) There shall be one-day northern
10 bobwhite quota hunts on two (2) tracts of Peabody WMA on the following days:

11 (a) The fourth Saturday in November, which shall only be a youth-mentor hunt;

12 (b) The Tuesday following the fourth Saturday in November;

13 (c) The Tuesday following the third Saturday in December;

14 (d) The first Saturday in January;

15 (e) The second Saturday in January; and

16 (f) The Tuesday following the third Saturday in January.

17 (2) There shall be one-day upland bird quota hunts on Clay WMA on the following days:

18 (a) On the Wednesday following the first Saturday in November;

19 (b) The third Sunday in November;

20 (c) The second Sunday in December; and

21 (d) The third Tuesday in December.

22 (3) A person participating in a quota hunt shall:

23 (a) Only hunt from one-half (1/2) hour before sunrise to two (2) p.m.;

1 (b) Wear hunter orange clothing pursuant to 301 KAR 2:172; and

2 (c) Not take more than four (4) northern bobwhite on a daily basis.

3 (4) A person who participates in an upland bird quota hunt:

4 (a) Shall not take more than four (4) grouse daily; and

5 (b) May take woodcock pursuant to the requirements established in 301 KAR 2:225.

6 (5) A person applying for a northern bobwhite or upland bird quota hunt shall:

7 (a) Not apply more than one (1) time for each hunt and shall not be drawn for more than one (1)
8 hunt; and

9 (b) Not apply as a group of more than three (3) people.

10 (6) A person selected for a quota hunt shall only hunt the species identified on the permit.

11 Section 7. General Quota Hunt Requirements. (1) A person applying for a pheasant, northern
12 bobwhite, or upland bird quota hunt shall:

13 (a) Call the toll-free number listed in the current Fall Hunting and Trapping Guide from a touch
14 tone phone between September 1 and September 30;

15 (b) Enter each applicant's Social Security number;

16 (c) Indicate a choice of days to hunt; and

17 (d) Pay a three (3) dollar application fee for each applicant prior to the drawing by:

18 1. Check;

19 2. Money order;

20 3. Visa; or

21 4. MasterCard.

22 (2) A person, prior to participating in a quota hunt, shall be required to show:

23 (a) A department-issued quota hunt permit;

1 (b) A valid Kentucky hunting license or proof of exemption; and

2 (c) A hunter education card, if required.

3 (3) A person or group participating in a northern bobwhite or upland bird quota hunt shall submit
4 a hunting log within seven (7) day after the hunt.

5 (4) A youth-mentor quota hunt party shall have a minimum of one (1) youth as a member of the
6 party.

7 (5) A person shall comply with all quota hunt requirements or be ineligible to apply for any other
8 quota hunt during the following year, except for an elk quota hunt.

9 (6) A youth shall only apply as part of a party that has at least one (1) adult.

10 (7) The department may extend the application deadline if technical difficulties with the
11 automated application system prevent applications from being accepted for one (1) or more days
12 during the application period.

13 ~~[A person shall apply for a quota hunt drawing through an automated telephone system by~~
14 ~~ealling the number published in the current department Fall Hunting and Trapping Guide from a~~
15 ~~touch-tone telephone between September 1 and September 30 and shall:~~

16 ~~1. Provide his or her Social Security number;~~

17 ~~2. Indicate his or her choice of hunt days; and~~

18 ~~3. Pay a three (3)-dollar nonrefundable application fee for each application by:~~

19 ~~a. Check;~~

20 ~~b. Money order;~~

21 ~~c. Visa; or~~

22 ~~d. MasterCard.~~

23 ~~(e) A single applicant may request a number of slots, up to five (5), to be a group for which he or~~

1 she would like to apply. The applicant shall provide each party member's Social Security number
2 and a total application fee for each person in the party.

3 (d) Persons who have not yet reached their 16th birthday by the date of the hunt shall apply as
4 part of a party that includes at least one (1) adult.

5 (e) A person shall not apply more than one (1) time for each hunt and shall not be drawn for
6 more than one (1) hunt.

7 (f) The department shall select hunters by a random drawing of all applicants.

8 (g) The successful applicant shall pay to the department by October 30, the fee, specified by 301
9 KAR 3:022, by one (1) of the following methods:

10 1. A check or money order with the confirmation number, Social Security number and hunts that
11 are being paid for, written on the check or enclosed with the money order;

12 2. Web payment due when the applicant checks drawing results; or

13 3. If a group is successfully drawn, a single payment as specified in subparagraphs 1 and 2 of this
14 paragraph, providing data for the entire group.

15 (h) Upon receipt of the check or money order, the department shall issue the appropriate
16 pheasant quota hunt permits.

17 (i) A person participating in a quota hunt shall show:

18 1. A department-issued pheasant quota hunt permit;

19 2. A valid Kentucky hunting license or proof of exemption; and

20 3. A hunter education card, if required.

21 (j) The commissioner may extend the application deadline if technical difficulties with the
22 automated application system prevent applications from being accepted for one (1) or more days
23 during the application period.

~~(k) A person shall comply with all quota hunt requirements or be ineligible to apply for any quota hunt the following year except for the elk quota hunt.~~

~~Section 5. Northern Bobwhite and Rabbit Quota Hunts. (1) There shall be Northern bobwhite and rabbit quota hunts on a tract of the Peabody Wildlife Management Area.~~

~~(2) The commissioner shall set the number of quota hunts and dates annually.~~

~~(3) Hunt hours for each day shall be from one-half (1/2) hour before sunrise to two (2) p.m.~~

~~(4) During the quota hunts, a person shall wear hunter orange as specified in 301 KAR 2:172.~~

~~(5) The daily bag limit per hunter shall be four (4) Northern bobwhite during Northern bobwhite quota hunts and four (4) rabbits during rabbit quota hunts.~~

~~(6) Quota hunt procedures.~~

~~(a) A person selected for a quota hunt may only hunt the species identified on the permit.~~

~~(b) A person shall apply for a quota hunt drawing through an automated telephone system by calling the number published in the current department Fall Hunting and Trapping Guide from a touch-tone telephone between September 1 and September 30 and shall:~~

~~1. Provide his or her Social Security number;~~

~~2. Indicate his or her choice of hunt days; and~~

~~3. Pay a three (3) dollar nonrefundable application fee for each application by:~~

~~a. Check;~~

~~b. Money order;~~

~~c. Visa; or~~

~~d. MasterCard.~~

~~(e) A single applicant may request a number of slots, up to three (3), to be a group for which he or she would like to apply. The applicant shall provide each party member's Social Security~~

~~number and a total application fee for each person in the party.~~

~~(d) A person who has not yet reached his or her 16th birthday by the date of the hunt shall apply as part of a party that includes at least one (1) adult.~~

~~(e) A person shall not apply more than one (1) time for a Northern bobwhite or rabbit quota hunt and shall not be drawn for more than one (1) Northern bobwhite or rabbit quota hunt.~~

~~(f) The department shall select hunters by a random drawing of all applicants.~~

~~(g) A person participating in a quota hunt shall show:~~

~~1. A department issued quota hunt permit;~~

~~2. A valid Kentucky hunting license or proof of exemption; and~~

~~3. A hunter education card, if required.~~

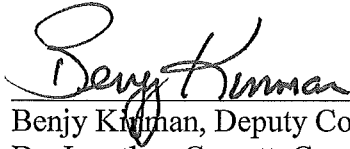
~~(h) A party participating in the quota shall submit a hunting log within seven (7) days after the hunt.~~

~~(i) The commissioner may extend the application deadline if technical difficulties with the automated application system prevent applications from being accepted for one (1) or more days during the application period.~~

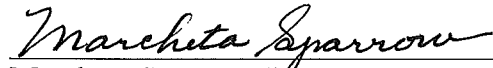
~~(j) Quota hunts identified as mentor shall have a minimum of one (1) youth as a member of the party.~~

~~(k) A person shall comply with all quota hunt requirements or be ineligible to apply for any quota hunt the following year except for the elk quota hunt.]~~

Approved by the Fish and Wildlife Commission December 4, 2009



Benjy Krimman, Deputy Commissioner, for
Dr. Jonathan Gassett, Commissioner
Department of Fish and Wildlife Resources



Marcheta Sparrow, Secretary
Tourism, Arts and Heritage Cabinet

Date: 04-08-10

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 21, 2010, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by June 1, 2010.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-7109, Ext. 4507 FAX (502) 564-9136

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 2:049

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation identifies exceptions from the statewide regulations for hunting small game on public lands.

(b) The necessity of this administrative regulation: This administrative regulation insures the permanent and continued supply of small game species by protecting them from overharvest on public lands and facilitates hunter opportunity.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations governing hunting seasons, including small game species.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 150.025 and 150.620 authorize the Department of Fish and Wildlife Resources to regulate hunting and access on public lands.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will establish Upland Bird quota hunts on Clay Wildlife Management Area and eliminate rabbit quota hunts on Peabody Wildlife Management Area.

(b) The necessity of the amendment to this administrative regulation: The amendment will maximize opportunity for rabbit hunters on Peabody Wildlife Management Area and provide a high quality hunting experience on Clay Wildlife Management Area.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Hunters of small game species in the Commonwealth will be affected; there are more than 200,000 small game hunters in Kentucky. The Department of Fish and Wildlife Resources will coordinate and administer the quota hunts.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This new regulation clearly defines the procedures for hunting small game on the Clay and Peabody Wildlife Management Areas.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Similar to previous quota hunts, each applicant will be required to pay a three (3) dollar application fee.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Conservation of the small game resource will perpetuate the hunting opportunity for those

individuals interested in that pursuit on public lands.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This administrative regulation change will result in a small cost for the department to administer.

(b) On a continuing basis: There will be a small additional cost to administer on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. It will not be necessary to increase a fee or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: A three dollar fee will be required to apply for the Upland Bird quota hunts.

(9) TIERING: Is tiering applied? Tiering was not used because all hunters in Kentucky shall comply with the same hunting procedures.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 301 KAR 2:049

Contact Person: Rose Mack

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes x No

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources Wildlife and Law Enforcement Divisions will be affected by this regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025 authorizes the department to promulgate administrative regulations regarding open seasons for the taking of wildlife and bag limits.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation change will result in a small annual increase in revenue for the department (less than \$500) in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation change will result in a small annual increase in revenue for the department (less than \$500) in subsequent years.

(c) How much will it cost to administer this program for the first year? There will be a small cost to implement this new administrative regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be a small cost to implementing this new administrative regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: